

Comments



Counties of Inyo & Mono

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Dr. Bruce Warden
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Dear Dr. Warden,

As you know, the Bridgeport Valley has been a model for over 150 years of an agricultural production area existing in harmony with both nature and also other locally important industries such as tourism and recreation. It is with great reservation, therefore, that I read of the modifications to the 2007 waiver to include water quality standards that are "ten times more stringent than the Federal standard" and ten times the 2007 waiver standards. Indeed, based on data from Attachment "B" of the information released from your office on January 23rd, 2012, some upstream water bodies exceed proposed 2028 standards **even prior to entering grazed lands**.

I would like to extend my strong opinion that the modified standards contained in the proposed waiver are **unattainable**, and may result in the loss of the historic and regionally important agricultural industry. The Bridgeport Valley livestock production values range from \$8,000,000 to \$10,000,000 annually. A common multiplier used in California agriculture statistics to assess the economic benefit derived from agricultural production is 3.5 times the production value. One only needs to examine the Mono Basin and the measures required to sustain Mono Lake to appreciate the devastating economic effect that the loss of irrigated pasture can create.

Not only will this have severe regional consequences, but I believe it will also result in lowering the benefit to the state of California. The potential alternate uses of this watershed, in my opinion, will result in a degradation of this pristine area, and a loss of an important local economic driver. **Because of these concerns, I recommend extension of the 2007 waiver without modification, and based on the existing standards.** Renewal of the 2007 waiver will not result in any expansion of existing grazing operations. Prohibitive restrictions on irrigation have the potential to preclude agricultural production altogether, leading to habitat transition resulting from alternate land uses such as development or water export. Consequences resulting from such transition not only include economic damage, but also habitat degradation, impacting wildlife and threatened and endangered species and even water quality.


Response

Inyo-Mono Ag Com-R1: Potential bacteria sources from upstream wildlife, recreational uses, USFS grazing allotments and private allotments will be assessed separate from lands covered under the grazing waiver. Order 5.a.iii of the proposed grazing waiver states that the quality of impaired water upstream shall not be further degraded by activities of the Discharger.

Inyo-Mono Ag Com-R2: The Water Board does not have authority to regulate land use and has no intention of putting ranchers out of business. The California Nonpoint Source Implementation and Enforcement Policy (see Finding 4 of the proposed waiver) requires that all sources of nonpoint source pollution be regulated through either Waste Discharge Requirements (WDRs), or waivers of WDRs, or prohibitions. Waivers are the "softest" regulatory approach available to the Water Board and require collaboration with the prospective enrollees. Water Board staff have been collaborating with BRO since 2006 to develop a waiver that is achievable for ranchers, and the timeline provided for compliance with Basin Plan water quality objectives is long and is intended to provide ranchers adequate time to budget management practice implementation in a manner that is affordable. Water Board staff have received no quantitative information on costs of management practice implementation from BRO members or any other organization or individual to substantiate the claim that ranchers will go out of business as a result of reasonable management practice implementation spread out over 5 years.

Inyo-Mono Ag Com-R3: The waiver places no restrictions on any aspect of irrigation—amount, timing, etc. However, irrigation management should be an important factor in development of Range Water Quality Management Plans.

Inyo-Mono Ag Com-R4: The 1975 Water Quality Control Plan (Basin Plan) for the North Lahontan Basin applied the 20 fecal coliform per 100 mL water quality objective to ten water bodies, including the East Walker River which is in the Bridgeport Valley. The 20 fecal coliform per 100 mL water quality objective was extended to the rest of the Region in the 1995 Basin Plan update. Based on concerns about the applicability of the 20 fecal coliform per 100 mL water quality objective for areas with historic agricultural beneficial uses, such as the Bridgeport Valley, Water Board staff began conducting studies on both fecal coliform and E. coli covering a wide range of land use types in the region, including agriculture, to develop scientifically defensible standards that address these concerns. These efforts are given in more detail in Finding No. 5 of the proposed grazing waiver.

Comments	Response
<p>Many likely scenarios following the loss of irrigated pasture have potential to worsen long-term water quality potential.</p> <p>I would also like to supplement these comments to include the following considerations, which I feel are paramount in examining this issue in its entirety. The Bridgeport Ranchers Organization (BRO) has worked with Lahontan Regional Water Quality Control Board in good faith and cooperation since the 2007 waiver. Actions taken by this group to improve water quality proactively include:</p> <ul style="list-style-type: none"> • Installing exclusion fencing • Installing vegetated buffer strips • Constructing hardened livestock crossings • Improving irrigation control structures • Better coordinating irrigation practices • Livestock rotation • Improving irrigation efficiency • Monitoring water quality <p>Each of these measures were undertaken at significant cost to area ranchers, and as evidenced by 2011 water quality sampling, have created improved water quality. Further, as these measures have been installed or conducted over time, the full benefit of these measures cannot be readily assessed, and warrant further time for proper analysis and valuation. This extra analysis will help land managers to understand truly the ecosystem of the valley and the benefit derived from mitigation measures.</p> <p>Lowering the benefit to the public trust by exporting California water to Nevada, already in the minds of US senators, or construction development in the scenic Bridgeport Valley, is a poor long-term decision. Once initiated, loss of grazing due to unreasonable water quality restrictions may be difficult to regain in future years. Consequences of such restrictions will likely extend to the West Walker River watershed and beyond, possibly to the entire State of California.</p> <p>Sincerely,</p>  <p>George Milovich, Inyo/Mono Counties Agricultural Commissioner</p>	<div data-bbox="1102 511 2047 673"> <p>Inyo-Mono Ag Com-R5: Since it will take a substantial amount of time and effort to fully evaluate the beneficial effects of management practice implementation, the proposed grazing waiver contains a schedule for data collection, analysis, and evaluation.</p> </div>